

D.B. CIVIL WRIT PETITION (PIL)NO.4363/2006

Smt. Sharda Tiwari  
Vs.  
Union of India & Ors.

DATE OF ORDER     ::     09-03-2007

**HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA**  
**HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ**

Shri Ravi Kasliwal, for the petitioner.

This writ petition has been filed as a public interest litigation challenging the renewal of mining lease in favour of respondent no.6, Bhagchand Lodha. The petitioner also seeks direction upon the respondents to frame rules debarring persons on whom penalty has been imposed or against whom criminal case is pending from obtaining mining leases.

In the instant case, it is said, respondent no.6 was granted mining lease with respect to marble for a period of 10 years in 1991. In 2001, lease was renewed for 20 years. It is said that respondent no.6 is facing charge of murder, and therefore it was not in public interest to extend the lease in his favour. We are not satisfied about maintainability of the writ petition as a public interest litigation. In the absence of any specific rule barring person facing criminal charge, renewal of lease cannot be said to be per se illegal. It is relevant to point out that grant of lease has been challenged after five years in 2006.

Be that as it may, we permit the petitioner to represent her case before the Director of Mines. It is open to the petitioner to bring to his notice acts of commission and omission constituting violation of mining lease by respondents.

The petition stands disposed of.

[MOHAMMAD RAFIQ], J.

[S.N.JHA], CJ.

Praveen